CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500125061

Remainder Erf 1191, 37 Eighth Avenue, Philippi, Schaapkraal

Development Management

EXECUTIVE SUMMARY: REZONING: ERF 1191-RE SCHAAPKRAAL, 37 EIGHTH AVENUE PHILIPPI (to be read together with the full Motivation Report that follows.)

Core propositions

This application is about aligning the formal zoning of the property with a use that the City has repeatedly recognised, approved, and invested in over more than a decade. This application is not about a new industrial intrusion.

The rezoning from Rural (RU) to General Industrial 1 (GI1) is the only rational, lawful, and administratively coherent outcome available to regularise an established processing facility that exists by virtue of the City's own approvals.

The decision-maker is respectfully asked to keep three propositions at the centre of this assessment:

First, the buildings on this property were approved by the City in 2013 specifically for the processing of fruit, vegetables and animals (a factory use in all but name). That approval established existing rights and created an expectation, on which the subsequent owner has relied, that this site would function as a processing facility.

Second, the City has since reinforced that expectation through its own conduct: approving the 2017 subdivision without disturbing the processing use, approving nearly R500,000 in electrical infrastructure upgrades in full knowledge of the factory operation, and accepting an administrative penalty payment from the current owner who engaged proactively and in good faith.

Third, the City's Environmental and Heritage departments, the two departments specifically mandated to protect the adjacent Philippi Horticultural Area and its aquifer, have both confirmed their support for this application. The most serious potential objections to this application have therefore already been disposed of by the City's own specialist branches.

The Existing Rights Argument

The 2013 building plan approval for two large barns, internally configured for fruit processing, animal processing and vegetable processing, and designed with independent access, dedicated parking, and refuse facilities, constitutes a clear municipal authorisation for a processing or factory-type operation on this site. The plantation area of approximately 3,000m^2 on the parent property was never capable of generating sufficient produce to justify the scale of those barns, confirming that the approved use always contemplated the importation of raw materials for processing, precisely as occurs today.

The current operation, the processing of raw meat and vegetables into packaged raw pet food and animal feed, is a continuation and rationalisation of that approved use, not the introduction of something new or incompatible. It operates within the existing approved structures. It generates minimal traffic, produces negligible waste, operates during daytime hours only, and has no abattoir, no retail, and no open-air processing.

To refuse this application would not remove a factory from a rural property. It would leave a factory, approved by the City in 2013, without a lawful zoning, and its owner without any regulatory path to compliance. That outcome would be irrational, disproportionate, and inconsistent with the City's actions in relation to this property since 2013.

Consistency with Planning Policy

The application is consistent with the Cape Town Municipal Spatial Development Framework (2023), which designates this site within an Incremental Growth and Consolidation Area supporting land use intensification and diversification, a finding confirmed in writing by the City's own Spatial Planning branch. The site's location near Strandfontein Road, a designated development corridor, further supports the appropriateness of an employment-generating use at this location.

The Cape Flats District Plan's general preference for medium-density residential development in this area must be understood as a high-level strategic guide, not a rigid prohibition. Critically, it was drafted without accounting for the existing approved processing rights on this specific property. Those rights predate the District Plan's guidance and must be recognised in any lawful interpretation of it. The City's Environmental and Heritage departments, the relevant guardians of the area's most sensitive assets, have confirmed no objection.

Socio-Economic Value

The factory provides direct formal employment to local residents, significantly reducing commuting costs and time for workers drawn from surrounding communities. It sources raw materials from farms in the immediate area, strengthening local agricultural supply chains and supporting small enterprises. Surplus product is donated to local animal shelters. Outsourced functions, transport, packaging, marketing, maintenance, are performed by local businesses. The operation contributes directly to the City's Economic Growth Strategy, Social Development Strategy, and the MSDF's objective of locating employment uses at points of maximum accessibility.

Conclusion

To address any residual concerns, the applicant proposes that approval be subject to strict conditions: the use to be permanently restricted to raw pet food and animal feed production only, with any future change requiring a full rezoning; a landscape plan to be submitted addressing the street edge facing the Urban Development Edge; and site development plans to enhance the building façade and screen operational areas. These conditions ensure that the rezoning does not open the door to broader industrial activity and that the site makes a positive contribution to its surroundings.

REZONING: ERF 1191-RE SCHAAPKRAAL, 37 EIGHTH AVENUE PHILIPPI

1 INTRODUCTION

The subject property is Erf 1191-RE Schaapkraal. It accommodates existing approved buildings that are currently used by Active Raw Foods CC for the manufacture of raw pet food and animal feed. Although the property is zoned Rural (RU), the approved buildings and the historic use of the site reflect a long-standing processing/factory-type function rather than a conventional agricultural holding.

This application seeks to rezone the property from Rural (RU) to General Industrial 1 (GI1) in order to regularise and properly manage the existing use. It is not an application to introduce a new industrial intrusion into the area. The central purpose of the application is to align the formal zoning of the property with the use that has already been established on the site, recognised through previous municipal approvals, and relied upon by the current owner when purchasing and operating from the property.

The report is framed around three core propositions. Firstly, the City approved the existing buildings in 2013 for processing-related activities, including fruit, vegetable and animal processing. Those approvals created a clear expectation that the property could lawfully function as a processing facility. Secondly, the current owner acted in good faith by engaging with the City, acknowledging the technical non-compliance, and paying the administrative penalty under Case 1500119103 as part of the process to regularise the use. Thirdly, the continued processing use has not resulted in unacceptable planning, environmental, heritage, traffic or neighbourhood impacts, and can be appropriately controlled through conditions of approval.

The current operation is therefore best understood as the continuation and formalisation of an established land use. The activity takes place within the existing approved structures, is limited to raw pet food and animal feed production, and does not involve an abattoir, retail component or open-air processing. With appropriate mitigation, including landscaping, façade treatment, screening of operational areas and a condition restricting the use to the current activity, the rezoning will provide a more lawful, transparent and enforceable planning outcome than leaving the property in its present regulatory uncertainty.

This report examines the historical approvals, aerial imagery, ownership context, municipal conduct, regulatory registrations, surrounding land use pattern, and applicable planning policy to demonstrate that the proposed rezoning is desirable, reasonable and consistent with proper land use management.

1.1 APPLICATION

Application is made in terms of the following sections of the City of Cape MPBL, 2015 (amended) for Erf 1191_RE Schaapkraal (the prescribed application forms is attached):

- Section 42 (a) for ***Rezoning:*** *from Rural Zoning (RU) to General Industrial 1 (GI1) to permit a factory for raw pet food.*

1.2 PROPERTY DETAIL

1.2.1 Property and General Information

Erf number	Erf 1191-RE Schaapkraal (37 Eighth Ave, Philippi)
Diagrams	SG No. 4246/1998 (SG diagram attached)
Property extent:	2035m^2
Registered Owner:	
Title Deed number	(Title deed attached)
Applicant	Urban Solution (Power of Attorney attached)
Current Zoning	Rural Zoning (RU)
Current land use	Pet food manufacturer and distribution centre
Any unauthorised works	Yes, an administrative penalty paid (case 1500119103)

ANNEXURES:

• LAND USE APPLICATION FORMS	• PROPOSED PLANS
• SG DIAGRAM	• PREVIOUS APPROVED BUILDING PLANS
• DEED OF TRANSFER	• SUBDIVISION APPROVAL
• POWER OF ATTORNEY	• DETAIL OF BUSINESS OPERATIONS
• ELECTRICAL UPGRADE APPROVAL	

1.2.2 Location and Surrounding Context Analysis

Site Analysis

The subject property falls within the Cape Flats District of the City of Cape Town Municipality and is located in Philippi, at the corner of Eighth Avenue and Vlei Road. The property is addressed as 37 Eighth Avenue, Philippi, with existing vehicular access taken from Eighth Avenue.

The site is not a vacant or conventional rural smallholding. It accommodates existing approved buildings which have historically been used for processing and factory-type activities. The approved plans specifically identify processing areas for fruit, vegetables and animals, confirming that the buildings were designed and authorised for a raw-material processing function rather than ordinary agricultural storage or ancillary farm use.

The current use by Active Raw Foods CC continues this established processing character. Raw meat, vegetables and related materials are processed on site to manufacture raw pet food and animal feed, with associated storage and distribution forming part of the operation. All activities are contained within the existing building footprint and operational area, with no open-air processing, no abattoir and no retail component. The current use is therefore a continuation and formalisation of the site's established processing function, rather than the introduction of a new or unrelated industrial activity.

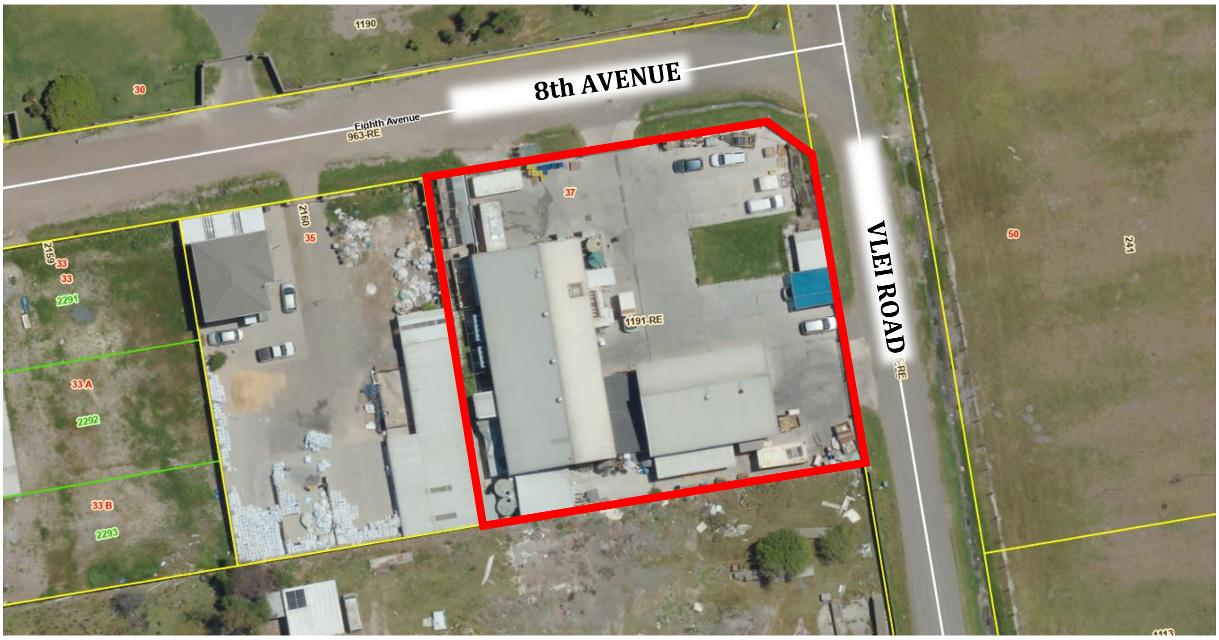


Figure 1.1: Aerial Photo/Property Concerned

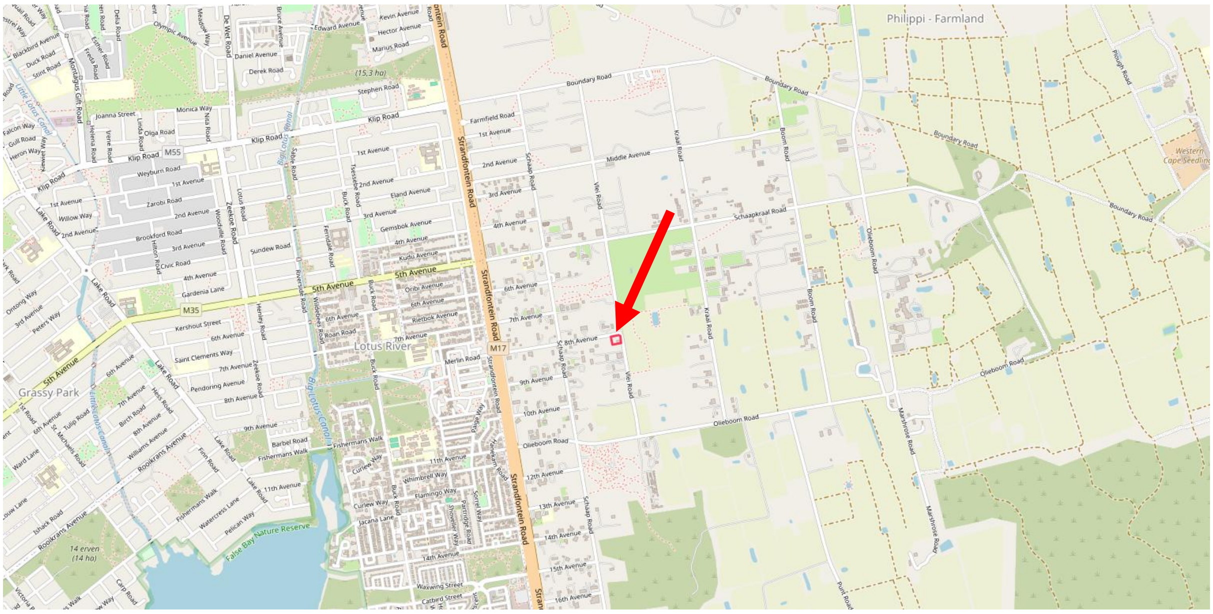


Figure 1.2: Property Concerned and Locality

<u>Local Context and **Surrounding uses:**</u>

The site is situated in the suburb of Philippi. This area is mostly zoned as Rural (RU) with range of different existing land uses. See Figure 1.3 and 1.4 for detail of the contextual analysis of the area. Vlei Road shall be regarded as a line between agricultural uses and non-agricultural uses.

The site is well located in terms of transport routes – as it is located near Strandfontein Road (approximately 600m away). Access to the site is from Eighth Avenue, which has no direct vehicular access to Strandfontein Road. Strandfontein is one of Cape Town's major transport routes to the City (from the Baden Powell Drive in the south to the N2 and M16 in the north). The site is therefore well accessible.

Figure 1.3 illustrates that even though there is a line that divides the agricultural uses and non-agricultural uses (Vlei Road), there is an existence of non-agricultural uses east of the road. The non-agricultural uses consist of a range of uses (we do not have access to Council approval status), therefore evident physical intentions of the areas change from the rural zoning.

Figures 1.3 and 1.4 is basic Google Earth desktop study identifying various uses, and analysis of the built form using most recent aerial photography. The following points refer:

- From the Google desktop study, there are mechanical workshops, construction companies, micro clothing manufacturers, fitment centers, offices for religious centers, and other food and beverage distribution centers within 300m of the site. Figure 1.3 shows this contextual analysis in relation to the subject site.

- From the observed built form, seen from the most recent City of Cape Town Aerial photography, the following observations were made:
    - The properties north of the site: an institutional type of use, a mechanical workshop, construction yards with components of vehicle storage, and very large residential home on large erven that function as more than just residential. The general description would be of a mixed-use environment.
    - The properties to the south and west of the site: largely industrial type uses.
    - The properties to the east: farm land.
    - The broader surrounding area: mostly industrial type of environment.

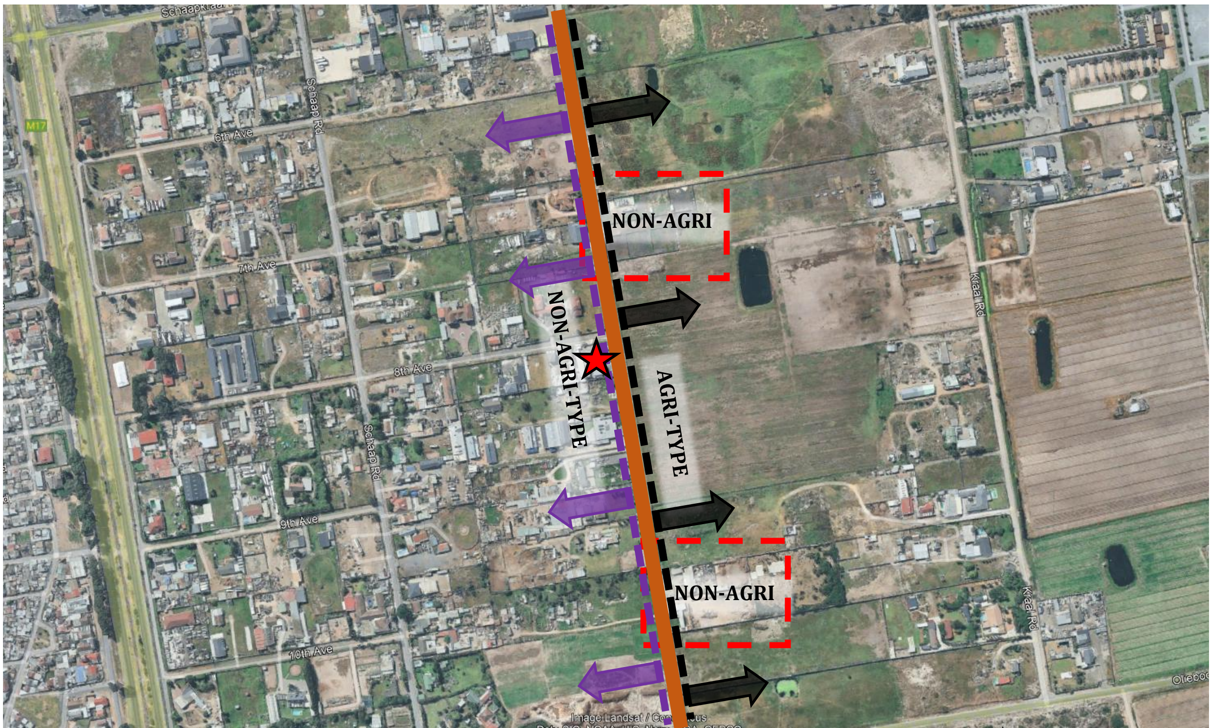


Figure 1.3: Contextual Analysis (from a desktop study). Subject site indicated with

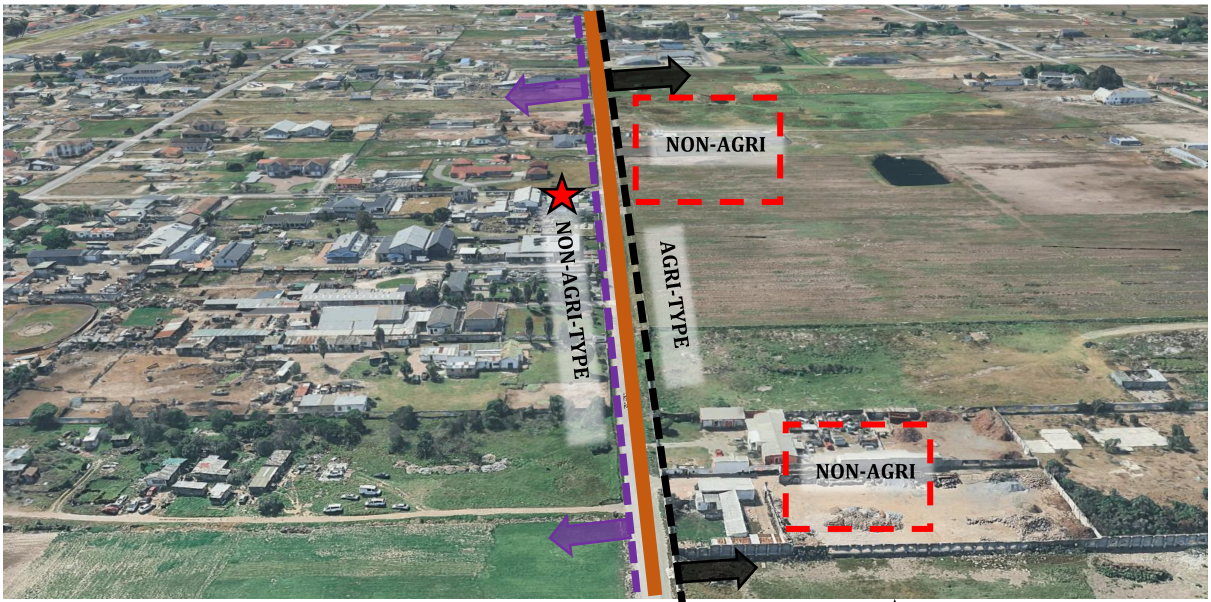


Figure 1.4: Google Earth view of the Vlei Road. Subject site indicated with

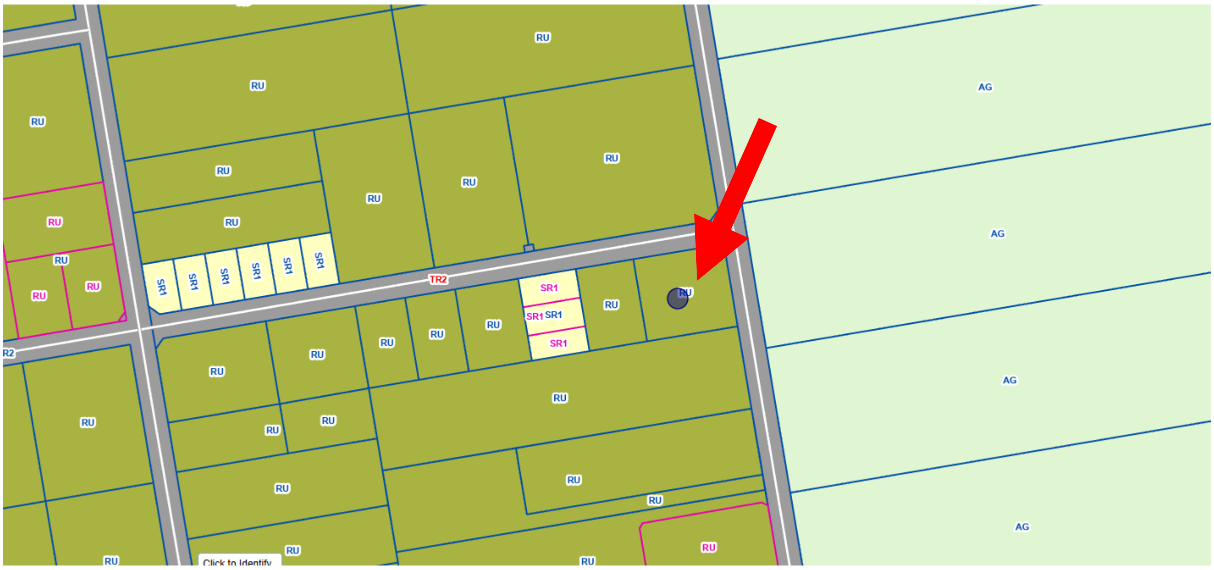


Figure 1.5: Zoning Map

The surrounding context confirms that the area is not functioning as a purely rural or agricultural environment. The City's aerial photography and desktop contextual analysis show a clear concentration of non-agricultural uses, including workshops, construction-related activities, storage, distribution, small-scale manufacturing and other commercial or industrial-type operations.

The subject property must therefore be assessed in its actual physical and functional context, not only by reference to the underlying Rural zoning. The actual character of this part of Schaapkraal has already shifted towards a mixed-use and light industrial/commercial edge, particularly west of Vlei Road and within the immediate block surrounding the site.

In this context, the proposed rezoning is not out of character. It regularises an existing processing facility within an area where similar non-agricultural activities are already visibly established. To refuse this application on the basis of rural character alone, while the surrounding area reflects a materially different on-the-ground condition, would result in an inconsistent and overly rigid planning outcome.

1.3 BACKGROUND AND DETAIL OF OPERATIONS

This section provides the historical and operational context of the subject property, focusing on the approved building plans, subdivision history, aerial imagery and ownership record. It demonstrates that the existing barns have long been associated with processing activities, and that the current animal feed and raw pet food operation represents a continuation and formalisation of this established use.

<u>Historical Building Plan Approval:</u>

On 22 July 2013, the subject property (prior to subdivision) was granted building plan approval for the erection 2 barns (forming a large barn complex) intended for what is most appropriately characterised as a factory-type land use, namely the processing of vegetables, fruit and animals. This approval is a crutial point in the land use history of the property, as it establishes a clear precedent for processing activities rather than primary agriculture.

The 2013 building plan approval is a central consideration in this application. It is not merely a historical fact, but a formal municipal approval that established the functional use and design intent of the buildings as processing facilities. The plans expressly identify areas for animal processing, fruit processing and vegetable processing, and the layout reflects an operation with its own access, parking, refuse arrangements and operational independence from the remainder of the parent property.

The approved plans therefore gave rise to a clear expectation that the property could function as a processing facility. For purposes of the MPBL and SPLUMA assessment, this approval forms part of the existing rights and legitimate land use context of the property. The decision-maker is required to consider this context when assessing whether the proposed rezoning is reasonable, fair and desirable.

A refusal of the rezoning would not remove the approved buildings or undo the historical approval. It would instead leave a City-approved processing facility without an appropriate zoning mechanism to regulate the use. That would be an irrational and impractical planning outcome, particularly where the rezoning provides the City with the opportunity to impose clear and enforceable conditions.

The approved plans (refer to Figures 1.7 and 1.8) confirm this functional intent. Figure 1.7 identifies "BARN 1" as an area specifically designated for fruit processing and animal processing respectively, while Figure 1.8 indicates that "BARN 1" accommodates distinct internal areas allocated to vegetable processing. The approved site plan (Figure 1.6) further illustrates that the barns were situated on a defined portion of the parent property and operated independently from the small crop plantation and existing dwelling. The barn precinct was provided with its own access, parking and refuse collection facilities, which is consistent with a standalone processing or light industrial operation rather than an ancillary outbuilding to a conventional smallholding.

There is no indication on the original plans or associated information of any livestock accommodation (such as pens, kraals or stables) on the farm portion. It is therefore reasonable to assume that animals were transported to the site from external sources for processing, which reinforces the interpretation of the operation as a processing plant rather than a purely agricultural enterprise.

In addition, the plantation area is estimated to be less than approximately 3 000 m². Using conservative, order-of-magnitude yield assumptions derived from typical mixed-vegetable production, such an area could be expected to produce in the region of 12 tonnes of vegetables per annum, translating into a relatively modest gross income (in the order of R95 000 per annum). This high-level estimate is included solely to demonstrate proportionality between the scale of cultivation and the scale of the approved built form. When compared to the size and capacity of the approved barns, it is unlikely that the on-site plantation alone would have generated sufficient produce to justify the extent of the processing facilities. It is therefore a reasonable planning conclusion that a substantial proportion of raw materials was imported to the site for processing, further supporting the classification of the operation as a processing industry.

On the basis of the above, the approved barns can be regarded as having been designed and authorised for factory/processing purposes, which is functionally equivalent to the current proposal for the processing of raw materials for animal feed/raw pet food. The proposed use therefore represents a continuation and rationalisation of an established processing function on the property, rather than an introduction of a new or incompatible land use.

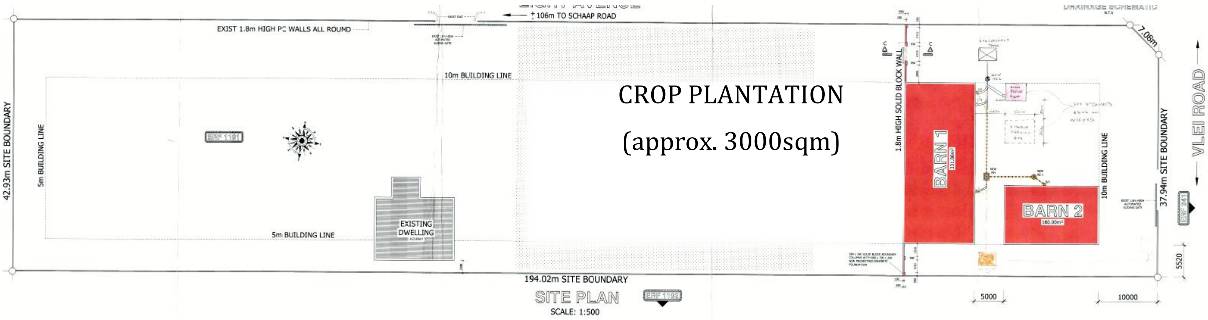


Figure 1.6: Site Plan - Extract from 2013 approved building plans

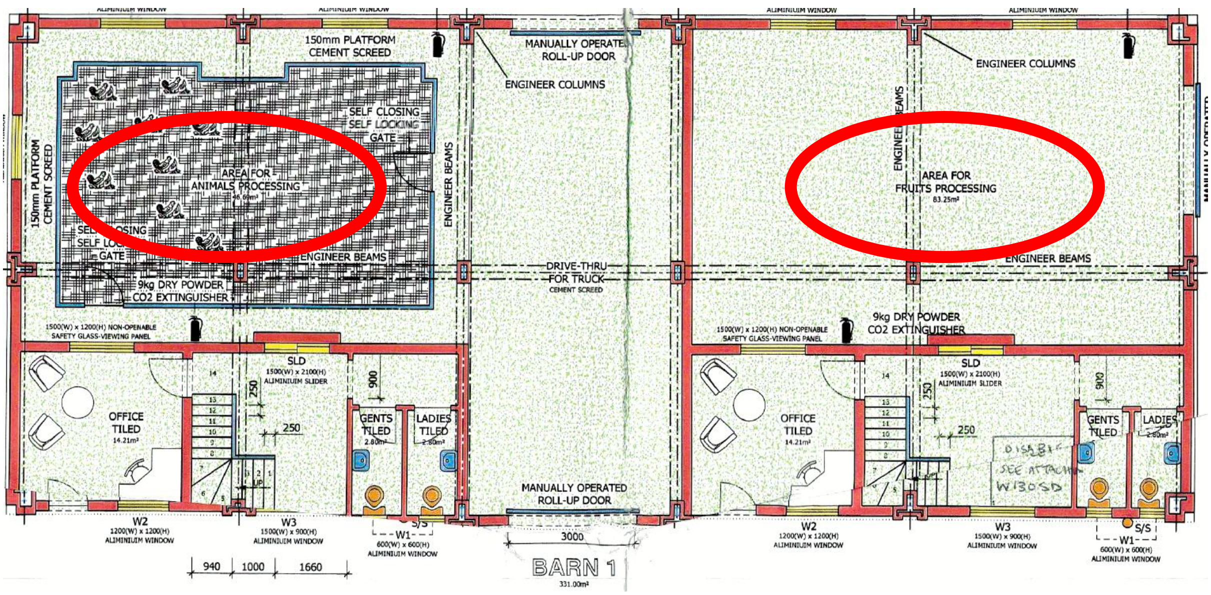


Figure 1.7: Barn 1 - Extract from 2013 approved building plans

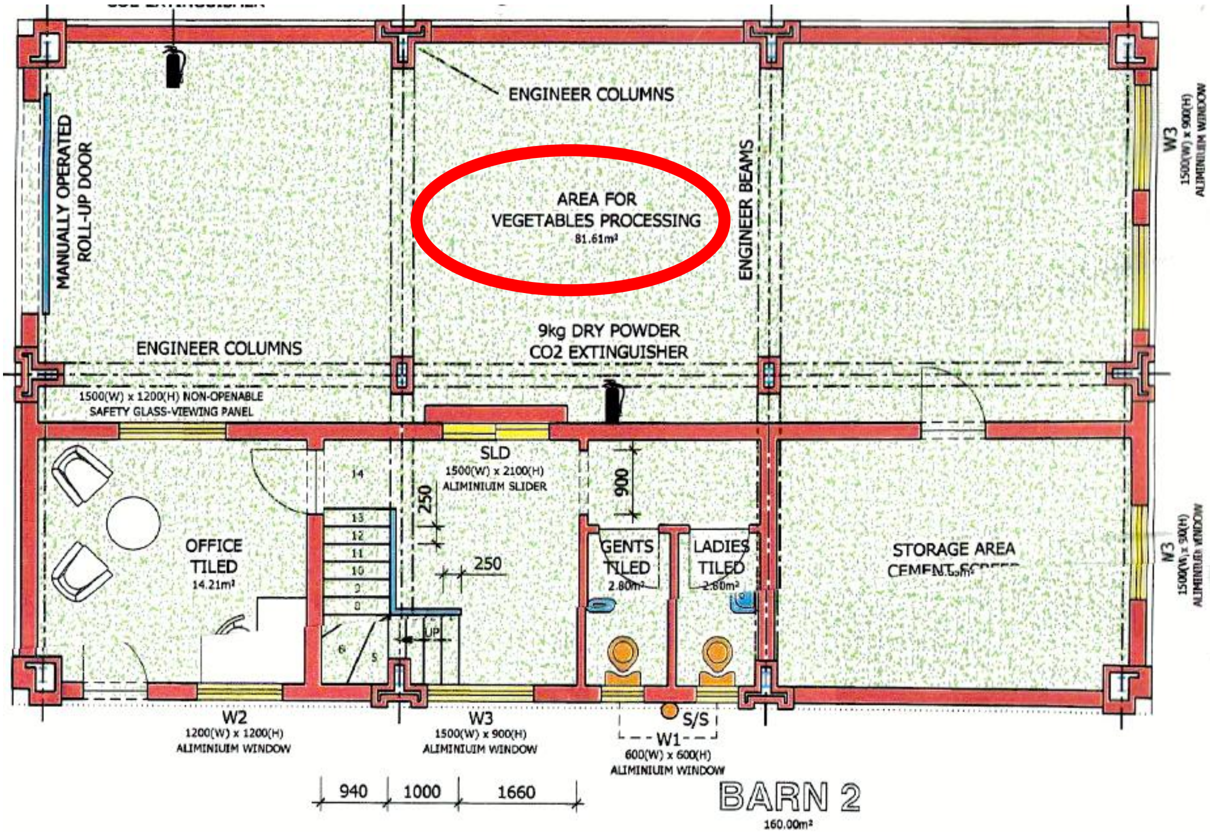


Figure 1.8: Barn 2 - Extract from 2013 approved building plans

<u>Subdivision Approval:</u>

On 21 December 2017, the subdivision of the parent property into six portions was approved, together with departures from the minimum erf size requirements applicable to land zoned Rural. The approved subdivision layout, as illustrated in Figure 1.9, indicates the configuration of the new portions and the position of the existing buildings, including the barns previously authorised for processing activities. Neither the applicant's motivation nor the municipal decision report explicitly addressed or altered the existing land uses on the property. In the absence of any contrary indication, it is therefore reasonable to conclude that the intention was for the remainder portion – on which the approved barns are located – to continue operating in accordance with its existing, approved use, namely the processing of fruit, vegetables and animals, with raw materials would need to be transported to the site for those purposes.

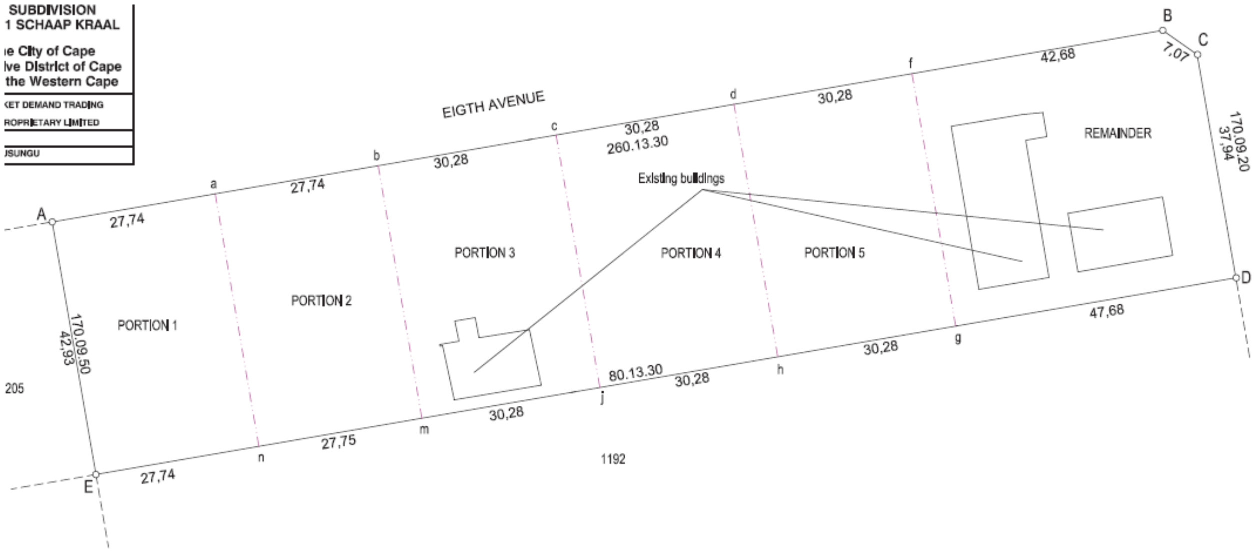


Figure 1.9: Approved Subdivision Plan (21 Dec 2017)

<u>Historical Aerial Imagery:</u>

Figure 1.10 illustrates the 2025 aerial imagery from the City of Cape Town's online viewer, overlaid with the approved subdivision. This indicates that the subdivision was ultimately registered in configurations that differ from the original approval, with certain portions created larger and others smaller than initially envisaged. The imagery further reflects a re-subdivision of one of the portions into three erven, intended for Single Residential 1 (SR1) purposes. Importantly, the current land use pattern on the subdivided portions does not uniformly reflect the original intention of predominantly residential development as set out in the subdivision motivation.

Figures 1.11 to 1.14 show the chronological development of the area. From approximately 2013, the subject portion begins to develop, and by 2017 the operations appear to extend onto the property immediately west of the subject site, likely for operational or storage purposes. That western property has since been redeveloped and is currently operating as a builder's yard. These images collectively demonstrate that the 2013 approval for the barns and associated site plan (refer to Figure 1.9), and the processing-related use they enabled, were not substantively addressed or reassessed by Council when the 2017 subdivision was approved. The large structure originally approved as barns was transferred to subsequent owners and utilised in line with its approved function, namely the processing of raw materials as previously described. This consistent pattern of use over roughly the past 12 years is a critical consideration in understanding the land use history of the subject property and provides a clear basis for the proposal to formalise and continue the processing-related use on the site.

Figure 1.10: 2025 CoCT Aerial Photo (most recent aerials)

Figure 1.11: 2013 CoCT Aerial Photo

Figure 1.12: 2015 CoCT Aerial Photo

Figure 1.13: 2017 CoCT Aerial Photo

Figure 1.14: 2020 CoCT Aerial Photo

<u>Historical Account of the Subject Property:</u>

The previous landowner was operating a bread factory from the existing approved barns on the subject property. The current landowner purchased the subject property to continue the factory use, on the understanding that there were approved plans for fruits, vegetables and animal processing.

<u>The Current Landowner History:</u>

- The current owner acquired the property in 2018 to process vegetables and raw meat for the manufacturing of raw pet food and animal feed.
- The current site activities are regulated by the Department of Land Reform and Rural Development (formerly DAFF) and the company holds registration under Act 36 of 1947 (Department of Agriculture), confirming compliance for regulated feed/pet-food processing.
- Prior to and after relocation, the current landowner confirmed with the previous owner that agricultural/processing activities were permissible on the subject property. This was confirmed by the approved plans of 2013 previously discussed.
- Post-acquisition, the current owner obtained City of Cape Town approval for electrical upgrades to support cold-chain and processing equipment, investing almost R500,000.
- Upgrades and regulatory registrations have been secured to support lawful, compliant operations.

Municipal Recognition and Chain of Reliance

The current owner's reliance on the processing use did not arise in isolation. It was reinforced by a sequence of municipal approvals and actions over time:

- the City approved the existing buildings in 2013 for fruit, vegetable and animal processing;
- the City approved the 2017 subdivision without removing, qualifying or expressly disturbing the processing function of the approved barns;
- the City approved significant electrical infrastructure upgrades to support the cold-chain and processing requirements of the operation;
- the current owner proactively engaged with the City and paid the administrative penalty as part of the regularisation process.

Each of these steps created or reinforced a legitimate expectation that the processing use would be capable of being regularised through an appropriate land use mechanism. The proposed rezoning is the mechanism now advanced to achieve that outcome in a lawful, transparent and controlled manner.

Conclusion of the Background of the Subject Property:

- The 2013 building plans approved two large barns specifically for processing vegetables, fruit and animals which is regarded as a factory. The approval shows the barns as physically separated from the rest of the erf by a boundary wall and small gate, having independent access, parking and refuse collection, operating separately from the small crop plantation and dwelling. This configuration is consistent with an industrial/processing node, not a typical farmyard.
- The size of the plantation area is not comparable and does not justify the size of the barns. It is therefore reasonable to conclude that most raw materials were brought in from elsewhere and that the barns therefore were approved to function as a **factory-type processing facility**.
- The information relating to the historical subdivision into 6 portions did not address or alter the existing processing use, therefore the remainder portion with the barns would reasonably have continued with the approved processing of fruit, vegetables and animals, with raw materials transported to site.
- Historical aerial imagery shows progressive development and use of the subject portion and adjoining properties consistent with ongoing operations.
- The large barn building has been transferred between owners but used in line with its original approval – processing raw materials on site.
- Current owner (from 2018) processes vegetables and meat into pet food/animal feed – a continuation of the food-processing/industrial character.
- Operations are regulated and registered under Act 36 of 1947, confirming lawful feed/pet-food processing.
- CoCT approved substantial electrical upgrades (~R500 000) to support cold-storage and processing equipment, indicating formal recognition and investment in processing use.
- Over ±12 years, the property has consistently functioned as a factory/industry-type processing facility for imported raw materials rather than a pure agricultural holding.
- The existing building form, historic approvals and regulatory registrations all support a continuing right and realistic ability to use the barns for industrial/processing purposes.

- If the current application is refused, the property still may continue processing fruit, vegetables and animals.
- The application therefore does not introduce an industrial character, but rather formalises, regulates and refines a long-established processing/industry-type use already present on the site.

2 DEVELOPMENT PROPOSAL

2.1 Description of the Proposal

The application seeks to rezone the property from Rural to an appropriate Industrial zoning to regularise and continue an existing factory-type use within an existing approved barn. The proposed land use is a small-scale raw pet-food/animal-feed manufacturing and distribution facility. The operation is clean, contained, and compatible with the area's historic farm-processing character. The principal structure on site is an existing approved barn historically used for processing of fruit, vegetables, and animals.

Proposed Land Use:
Primary land use: Factory for the processing of raw materials to produce raw pet food/animal feed.
Ancillary use only: Distribution (storage, dispatch) in support of the processing factory.
Explicit exclusions: No abattoir, no on-site slaughtering or rendering, no retail to the public, and no activities that generate hazardous emissions.

Operations:

- Raw materials (meat, vegetables, fruit) are brought to the site in clean containers. All suppliers are ethical and certified, with operations registered under relevant legislation.
- Process: Receiving, weighing, blending, forming/portioning, packing, blast-freezing/cold storage, and dispatch. No high-temperature rendering; no open-air processing.
- Outputs: Packaged, labelled raw pet meals/feeds dispatched to trade clients. No direct retail from site. Noted: there are minimal waste products, as most/if all of the raw materials are used, with leftovers cleanly packaged and donated to animal shelters.
- Hours: Daytime operations (e.g., 07:00–17:00, Mon–Fri) with limited dispatch outside peaks if required.
- Employment and training: Stable, formal employment with a focus on local hiring.

2.2 Proposed Land Use Planning Applications, in terms of the MPBL, 2015 (amended)

2.2.1 Rezoning Application:

Rural Zoning (RU) to General Industrial 1 (GI1): To permit a factory (industry as per the definitions of the DMS) and associated uses. Application is made in terms of section 42 (a) of the MPBL, 2015 (amended), to be read with section 67 (a) of the DMS.

2.2.2 Departures:

It is proposed to remove all the existing structures surrounding the approved Barns to eliminate any departures. The water tanks and refuse room is permitted in the building lines in terms of Item 121.

3 MOTIVATION

3.1 The criteria specified in terms of Section 99 (1) of the By-Law

In terms of Section 99(1) of the By-Law, an application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements:

3.1.1 Consistency with any applicable spatial development framework - (MPBL section 99 (1)(b)): Cape Town Municipal Spatial Development Framework (CTMSDF) 2023

Cape Town's MSDF sets out the spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for Cape Town. The document is a spatial interpretation of the City of Cape Town's Integrated Development Plan and flows from the five-year review of the previous MSDF. The MSDF is informed by the requirements of the SPLUMA and the CoCT MPBL as well as a range of other national, provincial and local policy and law.

The proposed rezoning seeks to regularise a long-standing factory-type processing use within existing approved barns (only minor additions/alterations). The application is consistent with the MSDF as it is located in an Incremental Growth and Consolidation Area which supports land use intensification and diversification.

Consultation was conducted with the City of Cape Town Spatial Planning branch, at which the department confirmed that (comment attached): "The application is consistent with the MSDF as it is located in an Incremental Growth and Consolidation Area which supports land use intensification and diversification". It is further noted that there was a discussion regarding the "consent use" as an "agricultural industry", which is discussed in detail in this report.

Why this is consistent with the MSDF:

- According to the Consolidated Spatial Plan Concept of the CTMSDF (see Figure 3.1), the site is located within the Consolidation Areas, where the City is committed to servicing existing communities and where new development will be subject to infrastructure capacity. The area has sufficient capacity to accommodate the proposal.
- The site is also located close to a development corridor, which are structuring routes of intensified and diverse land uses. Given that the site is in close proximity to the development corridor, the site would be appropriate for intensification – which is more than that of its current zoning.
- Corridors and nodes support intensification and mixed-use economic activity. The MSDF's spatial concept is anchored by a system of metropolitan nodes and development corridors and explicitly supports land-use intensification (TOD), reducing trip lengths and improving access to opportunities. This speaks directly to formalising an existing employment use on a corridor-linked site.
- Jobs cluster at points of maximum accessibility. The MSDF identifies economic areas (including industrial) as anchors of the metro economy that locate at points of maximum accessibility, exposure, convenience and urban opportunity—precisely the qualities of sites on/near development routes.

The proposals align with the Spatial Strategy 1, 2 and 3 of the MSDF. The following points outline the Spatial Strategies:

- Spatial Strategy 1: Plan for economic growth and improve access to economic opportunities:
  - The proposed use is an economic activity, which provides employment to the surrounding community.
  - The site processes local produce acquired from the some of the surrounding farms to produce pet food and animal feed that benefits the surrounding farms.
- Spatial Strategy 2: Manage urban growth, and create a balance between urban development, food security and environmental protection:
  - The subject property is an existing approved building that has been approved for fruits, vegetables and animal processing, which is assumed that the raw materials were previous approved to be transported to the site from the surrounding farms – which is discussed under the history and background of the property.
  - The subject property falls within the Urban Development Edge (UDE), therefore containing development within the urban area.
  - Given that the site is located at the edge of the UDE, it benefits from the access to rural/agricultural activities and has access to the urban areas.
- Spatial Strategy 3: Build an inclusive, integrated, vibrant and healthy city:
  - The economic aspect of the subject property in its location contributes to an integrated city.
  - The use of the property as a factory (its current state) contributes to the employment in the area – as local workers are employed. This dramatically reduced travel time and cost of workers, therefore supporting the vision of the MSDF.
  - As discussed, much of the raw materials are obtained from surrounding farms. This further reduces travel time and costs of operational vehicles, and supports the economy creating an integrated type use that is connected to the local supply chain.
  - A portion of the produced goods then also get supplied to the surrounding farms as animal feed, with the main function being the supply to local pet food resellers (no direct sales to the public).

Conclusion

The proposal to rezone the property to regularise the existing use is consistent with the MSDF. The site's corridor context aligns with the MSDF's nodes-and-corridors intensification approach and its emphasis on locating employment uses at points of maximum accessibility. The rezoning supports inclusive economic growth and inward growth objectives while complying with SPLUMA-based decision principles. Industrial discussion in Table A2 of the MSDF document specifically promotes the retention and support of well-located industrial activity and employment-rich manufacturing. The proposal is in line with the Strategy's 1, 2 and 3. Overall, the application demonstrates consistency with the MSDF.

Figure 3.1: Extract from CTMSDF

3.1.2 Approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone - (MPBL section 99 (1)(d)).

The proposals do not grant the rights of the next subzone.

For the above discussed, the application complies with section 99 (1) of the By-Law

3.2 Compliance with Section 99 (2) of the By-Law

3.2.1 Any applicable spatial development framework - Section 99(2)(a)

<u>Western Cape Provincial Spatial Development Framework (WCPSDF), 2014.</u>

The WCPSDF has now been framed by the objectives of the National Development Plan (NDP). Specifically looking at the urban and rural transformation agenda and its human settlement targets.

The proposal is well located in terms of access to major routes. The proposal also ensures a higher density in the area, which will support public transport in the area.

The proposal is therefore consistent with WCPSDF.

<u>Cape Town Municipal Spatial Development Framework (CTMSDF) 2023:</u> Consistency discussed above 3.1.

<u>Cape Flats District Plan</u>

The District Plan must be interpreted as a strategic spatial guide rather than a rigid prohibition on all site-specific departures from the preferred spatial vision. The District Plan was prepared at a broad planning scale and does not appear to have specifically accounted for the unique approval history of this property, including the 2013 approved processing buildings and the subsequent subdivision context.

Properly interpreted, the District Plan does not preclude this application. It requires the decision-maker to consider whether the proposal is appropriate in its specific context. In this case, the proposed rezoning does not introduce a new industrial use into an undeveloped rural property. It regularises an existing processing facility that is located within the Urban Development Edge, close to a development route, and within an area where non-agricultural activities are already established.

The application should therefore not be treated as a broad policy deviation. It should be treated as a site-specific regularisation of an established use, supported by historical approvals, municipal conduct, surrounding land use context and proposed conditions limiting the approval to the existing operation only.

A key strategy of the SDP is to encourage land-use intensification and economic development in accessible locations, thereby allowing more people to have access to those activities. The SDF encourage land use intensification along the accessibility grid to ensure that the opportunities they offer can be accessed by a broader range of people.

The site falls within the Urban Development Edge (UDE), and is demarcated as Existing Urban Area. The proposal is therefore aligned with the designation of the DSDF.

According to the Sub-District 4 plan of the Cape Flats District Spatial Development Plan, the site is located near a major route (Strandfontein Road), located in close proximity to a local node according to the plan, it is also located within an area designated for potential higher intensity development. The District Plan categorises the Strandfontein Road as a Development Route, with the main function of the road is for mobility. The role of these routes provides improved access between districts. These routes also promote land use intensification to support the various public transport available.

The District Plan suggests that industrial uses should generally not be supported. This however, is a broad strategic guideline and does not preclude the consideration of appropriate site-specific circumstances. In this case, the subject property is already developed in accordance with approved building plans for a processing facility and enjoys lawful, established land use rights for the processing of raw materials. For fairness and good planning, these vested rights of the approved building plans must to be recognised in the interpretation of the District Plan. The proposed rezoning therefore represents a rational and context-appropriate approach, aligning the zoning with the existing approved use while not undermining the broader intent in the wider area.

The District Plan's spatial vision should be understood as a guiding framework rather than a rigid blueprint; in this context, a limited and clearly justified deviation to accommodate the established processing facility on this particular site is warrented, justifiable and capable of support in terms of the District Plan. Although the proposed Industrial zoning provides number of permitted used, the approval will be strictly tied to only this use, therefore requiring that any future use of the site will be processed as a rezoning.

For the foregoing reasons, the proposal is thus consistent with the WCPSDF, MSDF for its increased intensification economic benefits to the community, employment, and optimal use of land. In terms of the District Plan, a deviation is required from the guiding notion, but should be supported in this site-specific circumstance.

Figure 3.2: Extract from Cape Flats District Plan, Sub-District 4

The following comments were received by the City of Cape Town Spatial Planning branch, which we have responded to in the table below:

Spatial Planning Comment	**Application Response**
The proposal does not align with the spatial vision for the subject area for the area between Schaap Road and Vlei Road is "medium density residential development with selective mixed-use activities" and that the guidelines for Schaapkraal also state "Industrial uses should generally not be supported within this area, given the often negative impacts thereof and the availability elsewhere for these uses".	The deviation of the spatial vision shall not be a reason to refuse or recommend refusal, as: - The approved use of the property is for a processing facility which is the existing rights of the property owner (evident in the approved building plans). The drafting of the DSDF should have taken these approved rights into consideration. - The spatial vision is not an exact parameter, therefore can be deviated, therefore this application must be considered on its own merits and due consideration must be given to the fact that the landowner has existing rights for a raw materials processing facility. - Therefore, for the above, the vision as medium density residential development with selective mixed-use activities may not be relevant to this property.
The site is situated on the "Urban Development Edge (UDE)". The district guidelines state that proposed development must make provision for "a consistent positive (urban) interface with the PHA.	This aspect can be achieved by including a condition to appropriately landscape the edge of the site interfacing with the PHA. It is therefore proposed to include a landscape plan as a condition of approval.

The site is next to the environmentally sensitive PHA, which is also under investigation as a heritage area.	The application has been circulated to both the Environmental and Heritage branches, both whom have supported the application. The operations on site are strictly monitored and kept clean, with minimal wastage. It shall be suggested that conditions be imposed to ensure that practices be imposed to limit any impacts on the environment.
The site is situated on an aquifer recharge area, which the District Plan aims to protect and preserve. The production process cycle of the factory is not clearly defined to be able to determine any potential impact on the adjacent PHA (eastward) as a natural asset and aquifer recharge area.	The landowner has provided approvals from DAFF for the processing operations on-site. The relevant department (Environmental) has provided a positive comment on the application. The proposal therefore does not have an impact on the PHA. It also does not pose a risk to the aquifer recharge area. If it did, the Environmental department would have noted that. As stated above, operations on site limit impact on the environment and shall be a condition of approval.
Potential traffic impact, noise and air pollution/odours on surrounding properties is not adequately discussed.	The proposed use will be assessed by the relevant transport departments in terms of traffic impact. Section 3.3(i) of this report discusses the transport impact, with adequate parking provided on-site. It is also noted that the use as a raw materials processing facility is previously approved, therefore the proposed rezoning will not result in an increased impact on traffic as the proposed use and the approved use has been discussed and explained that it is a similar use (in Section 1.3 of the background of the application). The potential noise and air pollution will be assessed by the Health department, and their requirements will be adhered to. It is noted that the current operations follows strict measures to adhere to regulations and codes set by national department. As previously stated, (paragraph above), the proposal is the continuation of a similar

	use of the property as per the approved for processing of raw materials.
The proposed land use would potentially result in significant employment and socio-economic opportunities, provided that any potential negative impact on the PHA aquifer, UDE and future growth of medium density residential development is effectively mitigated.	This comment is of a positive nature as it is concurred that the proposal results in significant employment and socio-economic upliftment.
Rezoning to General Industrial (GI1) would not be a spatially desirable outcome as it permits other primary land use rights that are not aligned with the spatial guidance for the area.	The conditions of approval will restrict the rezoning approval to the production of raw pet food/animal feed, and if any other use is to be proposed, then a rezoning would be required.

3.2.2 Compliance with relevant criteria contemplated in the development management scheme - (MPBL section 99 (2)(b)).

The MPBL provides the mechanism to make applications to rezone the properties. The proposed applications are therefore consistent with the MPBL, whereby it duly applies for the applications detailed in Chapter 2 of this report.

The applicant initially considered whether the existing use could be regularised by way of a consent use for an agricultural industry under the Rural zoning. This was considered because the operation involves the processing of agricultural products, including raw meat and vegetables, and because the existing buildings were historically approved for fruit, vegetable and animal processing.

However, during engagement with the Land Use Management Department, it was indicated that the Department did not support the classification of the current operation as an agricultural industry for purposes of a consent use application. The concern appeared to relate to the interpretation of the definition and whether the products were required to be grown or produced on, or sufficiently close to, the land unit.

In light of that position, the applicant has proceeded with a rezoning application as the most practical and appropriate mechanism to regularise the existing use. The rezoning route removes the uncertainty around classification and allows Council to regulate the operation directly through conditions of approval.

It is important that the applicant is not placed in an impossible regulatory position. If the consent use route is not supported, and the rezoning route is also refused, the owner would be left without any lawful mechanism to regularise a use that arises directly from buildings approved by the City for processing purposes. Such an outcome would be unreasonable and would not advance proper land use management.

3.2.3 Compliance with any applicable policy - MPBL section 99 (2)(c)

Cape Town Integrated Development Plan (IDP) 2017-2022

The City of Cape Town's five-year Integrated Development Plan (IDP) represents the overarching strategic framework through which the City aims to realise its vision for Cape Town by building on five pillars, namely: the opportunity city, the safe city, the caring city, the inclusive city, and the well-run city. The plan focuses on strategic priorities throughout the City to enable the realisation of the City's objectives.

The site's use as a raw pet food manufacturer and distribution centre (factory) will provide the area with a mix of uses. The site's use is in line with the broad vision of the IDP. There is no material factual basis to conclude otherwise.

Transit Orientated Development (TOD) Strategic Framework, 2016

TOD is defined as a long-term development strategy to address spatial inequality, improve public transport affordability, and address sprawl, driven by the integration of sustainable public transport and strategic land use intervention. It is built on the principles of affordability, accessibility, efficiency, intensification, and densification. The compliance with the core TOD principles is discussed below:

PRINCIPLE:	**COMPLIANCE:**
Affordability – reduce the cost of public transport to commuters and the cost of providing public transport to the City.	The site is strategically located in close proximity to public transport and major routes, making it easily accessible.
Accessibility – facilitate equal access to social and economic activity through strategic urban development and the provision of safe public transport.	
Efficiency – provide an environment and level of service that reduces trip lengths and dependence on private vehicles.	
Intensification & Densification – manage the desired form, composition and location of urban development conducive to affordable, accessible and efficient public transport.	

Urban Design Policy

The urban design policy guides development by introducing "urban design thinking" to development proposals. The policy promotes the unpacking of development proposals into a logical sequence of design decisions to improve the public environment.

As the proposal considers that the existing approved 'barn' use is continuing, and no further structures are being proposed, the principles of the Urban Design Policy may not be easily considered.

It is thus suggested that the following conditions be imposed to enhance site development aspects to fully align with the objectives of the policy:

- Objective 1: Enhance the Urban Structure and Legibility: A condition of approval for the submission of an SDP for the enhancement of the administrative/office portions of the building design, as well as the enhancement of the boundary wall and entrances as a better design for the corner site.
- Objective 2: Enhance the public realm by creating positive interface with the streets: A condition of approval for the submission of a landscape plan to implement landscaped edges on the boundary to

soften the edges. The public space outside of the property boundaries to be enhanced to accommodate a better pedestrian environment.

- Objective 3: Enhance Safety: The SDP to propose visually permeable boundary wall treatment to enhance visual and surveillance on street. Propose as many windows and balconies to face onto the public streets for further surveillance.
- Objective 4: Access, movement and NMT: The SDP to include provision of adequate space for pedestrian and NMT movement. Further provisions of bicycle parking on site.
- Objective 5: Intensity, diversity and adaptability: The SDP shall propose to consolidate as much of the temporary containers, and screen it. Incorporate design of the site to screen undesirable aspects of the site.
- Objective 8: Environment: Propose landscaped edges on the boundary to soften the edges. Creation of as far as possible permeable paving.
- Objective 9: Character, heritage and identity: The design aspects discussed above will enhance the character.

<u>Economic Growth Strategy</u>
The City's economic growth strategy seeks to stimulate sustainable growth and employment and to address structural imbalances related to unemployment and poverty, supporting the vision of an "Opportunity City". In this context, the existing pet food manufacturing business is an important local economic asset for the following reasons.

The factory contributes directly to economic growth by creating and sustaining jobs for local residents. The landowner has confirmed that the company employs workers from the surrounding communities, thereby providing stable income and skills development opportunities at a range of levels – from entry-level production work to more skilled positions in quality control, logistics and administration. This supports the strategy's emphasis on broadening access to economic opportunities, particularly for communities that have historically been excluded from formal employment.

In addition to direct jobs, the factory generates a network of indirect and induced economic benefits. The company purchases fresh produce and other inputs from local farms and suppliers, strengthening linkages between the agricultural and manufacturing sectors. This local procurement supports small and medium enterprises, promotes value-adding within the regional economy, and reduces "leakage" of spending to other areas. Furthermore, many outsourced processes – including marketing, packaging, printing, transport, maintenance and other specialised services – are undertaken by local companies. This multiplies the economic impact of the factory by spreading business opportunities across a wider range of firms in the area.

The ongoing operation of the factory also contributes to local economic stability and resilience. By anchoring employment and business activity in the area, it helps to diversify the local economic base and supports a more predictable flow of income into nearby shops and service providers. This, in turn, contributes to the City's rates base and provides resources that can be reinvested in public infrastructure and services. Overall, the proposal aligns with and actively advances the objectives of the City's economic growth strategy by reinforcing local value chains, supporting small businesses, and creating and sustaining jobs close to where people live.

The socio-economic value of the operation is not theoretical. The business currently employs approximately 23 people, all of whom reside in the surrounding communities. The monthly wage bill is approximately R240 600.00, which circulates directly into local households and nearby businesses.

The business also purchases approximately R2,000,000.00 of raw materials monthly from local farms and suppliers, thereby supporting local agricultural production and strengthening the relationship between the agricultural and processing sectors. In addition, outsourced services such as transport, packaging, printing, marketing, maintenance and equipment servicing are procured from local businesses where possible.

The operation also donates surplus product to approximately R50,000.00 monthly to animal shelters and R10,000.00 of clean fresh food to food kitchens, which provides an additional social benefit beyond the direct commercial operation. These figures demonstrate that the existing facility has a measurable employment, local procurement and social support function.

Social Development Strategy

The Social Development Strategy is concerned with improving the overall quality of life of all residents, with a particular focus on poor and marginalised communities. The existing pet food factory supports this strategy primarily through employment, skills development and local economic inclusion.

Firstly, the business provides direct employment opportunities to members of the surrounding community. Access to regular income is one of the most effective means of reducing poverty and vulnerability. Household members employed at the factory are better able to meet basic needs such as housing, food, education and healthcare, which contributes to improved living conditions and social stability in the area.

Secondly, the factory creates and supports indirect employment through its procurement of goods and services from local farms and businesses. This wider economic activity benefits not only those directly employed at the factory but also farm workers, drivers, small business owners and employees in related sectors. In this way, the proposal helps to broaden access to economic opportunities across the local economy, in line with the Social Development Strategy's emphasis on inclusion.

Thirdly, by providing opportunities for workers to gain experience and potentially progress into more skilled roles over time, the factory contributes to skills development and human capital formation within the community. Enhanced skills improve an individual's long-term employability and earning potential, breaking inter-generational cycles of poverty and dependency.

Through these channels, the existing factory supports the goals of the Social Development Strategy by improving livelihoods, enhancing dignity through work, and contributing to a safer and more stable community environment.

In summary, the existing raw pet food manufacturing factory is a significant contributor to the local economy and social development. It supports the City's Economic Growth Strategy by generating direct and indirect employment, strengthening local supply chains and supporting local businesses, and it advances the Social Development Strategy by improving the quality of life of residents through income generation, skills development and broader economic inclusion.

3.2.4 The desirability of the proposed use or development of land - MPBL section 99 (2)(d)

Refer to section 3.3 of this report.

3.2.5 Impact on existing rights - MPBL section 99 (2)(e)

The proportionality of the decision is also relevant. The buildings are existing, approved, and have been used for processing-related purposes over an extended period. The current owner has invested substantially in the property and in municipal infrastructure in reliance on that use. Refusing the rezoning would impose a significant burden on the owner and employees, while producing limited or no practical planning benefit.

A refusal would not remove the approved buildings or restore the property to a conventional agricultural holding. It would instead perpetuate regulatory uncertainty and could result in repeated enforcement processes, which is a less desirable planning outcome than a controlled rezoning subject to strict conditions.

Given the legal planning required mentioned in the previous sections and the assessment of desirability below, it is motivated that the proposals will have a minimal impact on the existing rights of surrounding property owners. The following main points can be mentioned:

- As discussed in section 1.3 of this application, the subject property was previously approved for a raw materials processing facility, therefore the proposed use is the continuation of that use, with the difference being that there is distribution and administration of the pet food business.
- For the above-mentioned point, the rezoning is thus fitting given that the principal function (as the processing of the raw materials) is an approved right.
- The proposed rezoning will be restricted to the proposed use. Any changes will require a rezoning. Refer to the mitigating conditions discussed in section 3.3(j) of this report.
- There is adequate on-site parking.

In view of the foregoing, we are of the opinion that the proposal does not negatively impact on the area and the surrounding owners. The following positive impact refers to:

- The development of the site will provide increased surveillance of the adjacent properties and onto the street.
- The capital investment into the site may have a positive effect on stimulating economic activity.

3.2.6 Relevant national or provincial legislation - MPBL section 99 (2)(g)

Compliance with the Development Principles in SPLUMA and LUPA

Section 7 of the Spatial Planning Land Use Management Act (SPLUMA) and Section 59 of the Western Cape Land Use Planning Act (LUPA) describe five (5) development or planning principles that all new development should consider, namely: spatial justice, spatial sustainability, efficiency, good governance, and spatial resilience. The proposed development contributes to these principles in the following ways:

- The principles of **spatial justice:** The principle of spatial justice is particularly relevant in this application. The factory provides formal employment opportunities in close proximity to communities that have historically experienced limited access to economic opportunity. By locating employment near the surrounding residential communities and public transport routes, the operation reduces travel time, transport costs and the daily burden on workers.

  The proposed rezoning therefore supports a more equitable spatial pattern by retaining jobs close to where people live. Refusing the application would not only affect the owner, but would create uncertainty for employees and households that rely on the income generated by the existing operation. The application therefore advances spatial justice by supporting access to employment, income generation and local economic participation in an accessible location. are fulfilled through the improved utilisation of land in areas of good public transport accessibility.
- The principles of **spatial sustainability** are fulfilled through development that is spatially compact, resource frugal and within the municipality's means.

  Rezoning the property from Rural Zoning (RU) to General Industrial to enhance the existing use should be seen as more suitable zoning for the site in respect of its location. The new zoning allows for a better utilisation of the property which has the potential to stimulate the market, while including a condition to ensure the use is restricted to the proposed.
- The principles of **efficiency** are fulfilled by maximising the site's potential relative to its urban context. The subject property is within the urban edge, therefore keeping urban development within the urban area and consistent with a compact city. The subject property employs local residents, which reduces the reliance on transport systems.
- The principle of **spatial resilience** requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks. This will be achieved by utilising the mechanisms available in the CTMPBL; applying for the intensification of land use, and implementing the principles of relevant policies, as mentioned in this report. This application hereby supports the spatial resilience principle.
- **Good administration** is a function of the government and is thus not applicable to this proposal.

Land Use Planning Act (Act 3 of 2014)

The Land Use Planning Act sets out the principles for development, the minimum requirements for municipal planning matters, the minimum content for metropolitan spatial development frameworks and zoning schemes at the provincial level. The proposals adhere to the requirements of LUPA.

National Environmental Management Act (25 of 1998)

The National Environmental Management Act and EIA Regulations identify certain activities that may be detrimental to the environment. This proposed development does not trigger the need for an environmental process.

National Heritage Resource Act (Act 25 of 1999)

The legislation aims to promote good management of the national estate and enable and encourage communities to nurture and conserve their legacy. Section 38 lists a host of development categories, which, if pursued, requires that the responsible heritage resource authority, Heritage Western Cape (HWC), be notified. No triggers in terms of the legislation.

3.2.7 Whether the application complies with the requirements of this By-law - (MPBL section 99 (2)(h)).

This application complies with the By-Law requirements, as it makes the relevant applications to support the proposal.

For the above discussed, the application complies with section 99 (2) of the By-Law.

3.3 Evaluation of Desirability - (MPBL Section 99(3))

a) Socio-economic impact – (3)(a)

The social and economic factors are discussed in detail under the relevant policy section, particularly in terms of the Economic Growth Strategy and the Social Development Strategy. The following paragraphs summarise the analysis in terms of these two strategies that support the positive socio-economic impact.

The proposal supports the areas economic activity by the support of the surrounding farms, purchasing raw materials, support of local businesses for marketing and other outsourced operations, and provides employment to the local residents.

The factory further supplies animal feed and raw pet food to local retailers, therefore supporting the local trade thus encouraging/supporting the surrounding area. The proposal encourages land-use change and economic development in the area. This will allow more people to have access to the activities that the local area offers.

d) Compatibility with surrounding land uses – (3)(d)

The local context and how the site fits into it are discussed in section 1 of this report. In summary, it is apparent that the immediate and broader surrounding properties are being used for a mix of land uses, with many being industrial uses. Figure 3.3 below provides a representation of the line between non-agriculture and agriculture. There are also pockets of non-agriculture within the agriculture area - over the Vlei Road line.

For the above-mentioned, and the analysis in section 1 of this report, it is found that the proposed rezoning is compatible with the surrounding land uses. Figure 3.5 illustrates the compatible uses surrounding the site, and that the site is located within a block of similar uses.

Further to this, the proposed use is a factory that processes raw materials that are farmed or obtained from the surrounding farms, given that it is adjacent to the horticultural area. Therefore, the use shall be considered appropriate or complimentary to the broader surrounding use.

The surrounding context confirms that the area is not functioning as a purely rural or agricultural environment. The City's aerial photography and desktop contextual analysis show a clear concentration of non-agricultural uses, including workshops, construction-related activities, storage, distribution, small-scale manufacturing and other commercial or industrial-type operations.

The subject property must therefore be assessed in its actual physical and functional context, not only by reference to the underlying Rural zoning. The de facto character of this part of Schaapkraal has already shifted towards a mixed-use and light industrial/commercial edge, particularly west of Vlei Road and within the immediate block surrounding the site.

In this context, the proposed rezoning is not out of character. It regularises an existing processing facility within an area where similar non-agricultural activities are already visibly established. To refuse this application on the basis of rural character alone, while the surrounding area reflects a materially different on-the-ground condition, would result in an inconsistent and overly rigid planning outcome.

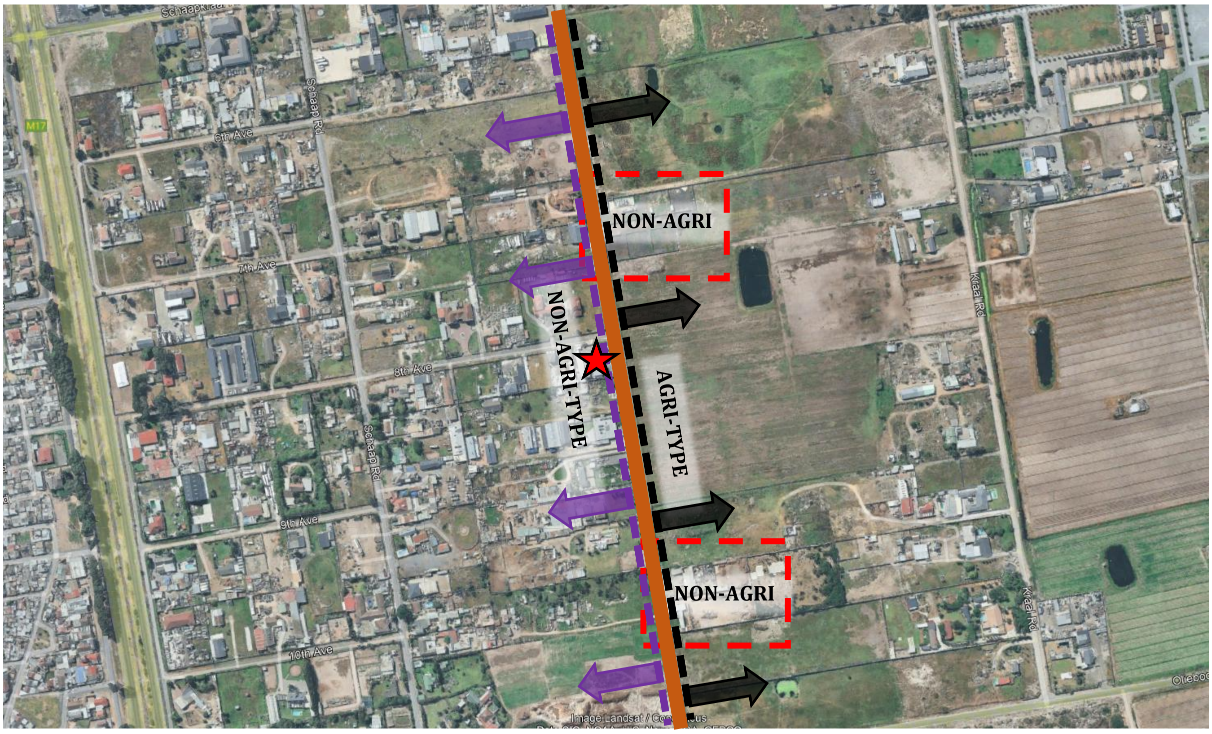


Figure 3.3: Contextual Analysis (from a desktop study)

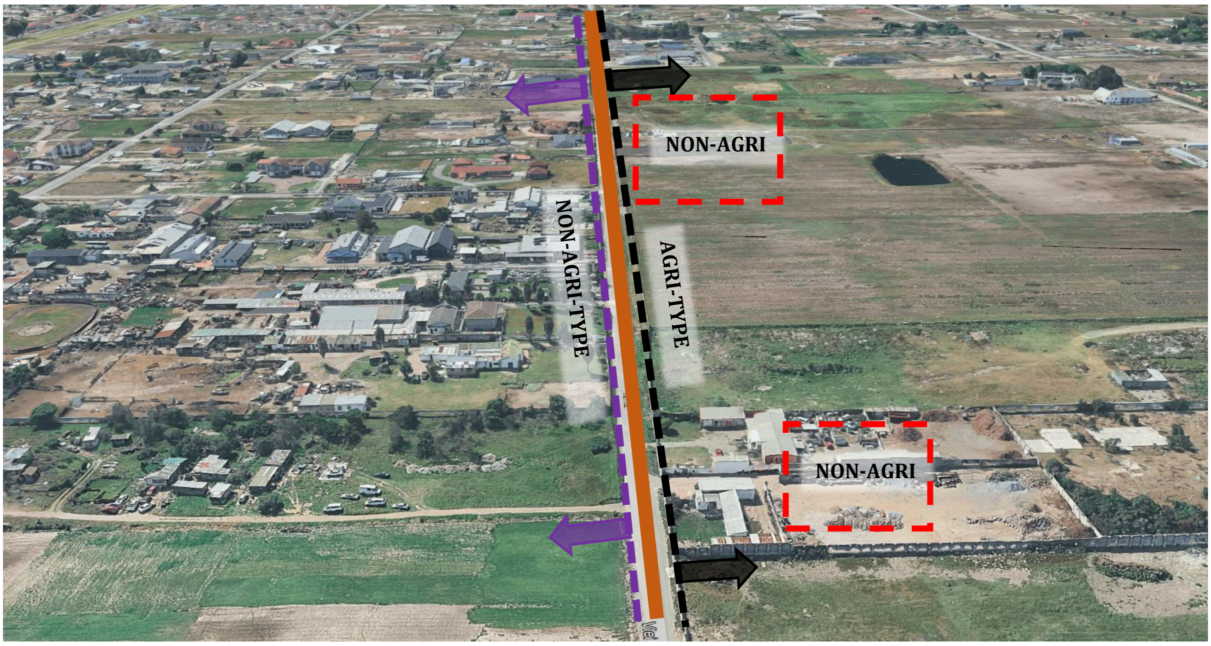


Figure 3.4: Google Earth view of the Vlei Road

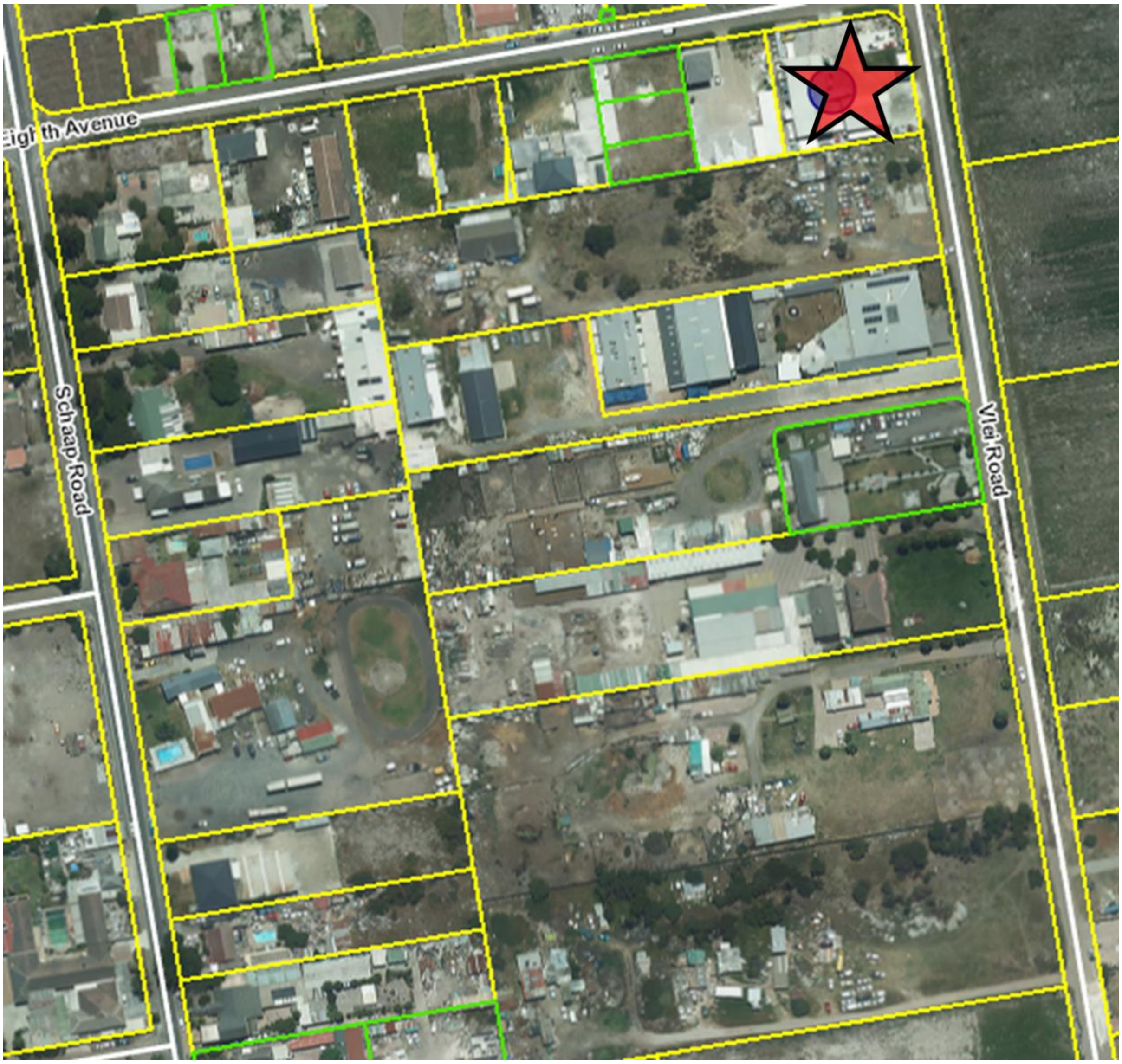


Figure 3.5: Extract from the City Map Viewer (2023 imagery).

Figure 3.5 clearly shows that the properties to the west and south of the site are used for industrial/workshops/factory purposes. The site therefore is fully compatible with the block that it is located within.

From discussions with the City, the vision is to have lifestyle rural type properties in the Schaapkraal area, and properties on the west of Vlei Road, facing onto the road, to have types of uses that are consistent with that vision. With that in mind, the current building that has been approved by City is not inconsistent with that vision. This approval was granted in 2013 with the subdivision granted in 2017 – the current rights of the property owner must be entrenched. From the analysis of the current uses in the area, many of the surrounding properties are being used for non-agricultural uses – which are commercial and industrial type uses. Although the vision may not be entirely congruent with the happenings on the ground, and is a high-level aspirational (rather than a strictly practical) document, the strict enforcement of this vision would require forcing out many operating businesses – a major economic impact in the area and conflict with the vision of the MSDF. To ensure good planning practices and to achieve an acceptable and balanced proposal, a list of mitigating measures have been proposed under section 3.3(j) of this report to ensure that the proposed use (within the existing approved barns) does not negatively impact the vision.

Notwithstanding the above-discussed, we are of the opinion that the proposed use is acceptable for the following reasons:

- The building's use as a raw materials processing plant was previously approved, with historical support and analysis. Therefore, the notion of the processing type building/factory shall not be a consideration in this application due to its historical approval.
- The proposed use is an acceptable use as it supports the surrounding farming activities, acquiring the raw materials from the surroundings farms are being used.
- The business employs local staff, therefore enhancing the local community.
- The mitigating measure/conditions will allow the use to be managed and fitting within the areas context and ensure no other further uses are exercised.

(e) Impact on external engineering services – (3)(e)

The site is located in an area where the City encourages intensification and has committed to service these sites where capacity is available.

Electricity:

The Owner has approval from the City of Cape Town for electrical upgrades. Having received that approval, and in line with it, the owner has already spent almost R500,000 for the upgrades.

(f) Impact on safety, health and wellbeing of the surrounding community – (3)(f)

Given the compatibility of the proposal with the surrounding urban fabric, we do not anticipate that there will be a negative impact on the safety, health and wellbeing of the surrounding community. It is more likely to positively impact the area as it will allow more people to use the area (improved surveillance), and it is a capital investment into the area.

(g) Impact on heritage – (3)(g)

The City of Cape Town Heritage Department (City Map Viewer) has identified the Philippi Horticultural Area, with a demarcation as Cultural landscape. With the previous mentioned, the site is located outside of the proposed HPOZ area.

In terms of built form, there are no historical implication as the buildings, or surrounding buildings are not over 60 years, which has been confirmed on the City Map Viewer historical imagery.
The City Heritage department stated the following during the pre-application consultation: *"The property is located outside the Proposed Philippi Horticultural Area (PHA). Heritage does not have any objections to your proposal as it will not have any negative impact on any heritage resources."*

(h) Impact on the biophysical environment – (3)(h)

The support from the City's Environmental and Heritage branches is a decisive consideration in the assessment of this application. These are the municipal departments specifically responsible for considering potential impacts on the Philippi Horticultural Area, the aquifer, heritage resources and the broader environmental interface.

The Heritage branch confirmed that the property is located outside the proposed Philippi Horticultural Area heritage area and that the proposal will not have a negative impact on heritage resources. The Environmental branch has also confirmed that the proposal does not raise an environmental impact concern.

Accordingly, the most sensitive potential objections to the rezoning have already been considered by the relevant specialist departments. Their support confirms that, subject to appropriate conditions, the rezoning will not compromise the PHA, the aquifer or any identified heritage resource.

(i) Traffic impacts, parking, access and other related considerations – (3)(i)

The following outlines the traffic impacts and considerations for the proposed development of 755m^2. The proposed site is a low-activity factory, that is not open to the public.

<u>Traffic:</u>
We do not foresee any impact on traffic and pedestrian movement, for the following reasons:

- The expected trip generation for the proposed use (see the table 3.1 below extract from the TMH17 document) is 15.1 daily trip rates.
- Further, table 3.2 below extract from the TMH17 document shows that the area allows for a reduction of up to 20% as the area is low vehicle ownership and the majority of the staff are local and walk to work. The expected daily trip rate is therefore 12.08 trips.
- The existing trip rates for the approved uses (processing of animals, fruits and vegetables) may result in a similar daily trip rate as above. It is also noted that the Rural zone permits a main and second dwelling, which has a daily trip rate of 8 trips.

- For the above, it is not expected that the proposal requires a traffic study.

Table 3.1: Daily Trip Generation Rates and Parameters

	Land Use	Size Units	Daily Trip rate $AADT_D$	Peaking Factor F_{QD}	Hourly Trip rate $F_{QD}.AADT_D$	Percent Heavy P_{HD}	E80 Axles Per HV E_{HD}	Size Adjustment 1+A/(1+sqm Size/B) Factor A	Factor B
100	**Industrial**								
110	Service Industry	100 sqm GLA	6.00	0.150	0.90	10%	1.34		
120	Heavy industry/manufacturing	100 sqm GLA	1.25	0.150	0.19	10%	2.35		
121	Mining	1 Employees	0.65	0.150	0.10	10%	2.35		
130	Industrial Area (Park)	100 sqm GLA	6.00	0.150	0.90	10%	2.35		
140	Manufacturing	100 sqm GLA	2.00	0.250	0.50	10%	2.35		

Table 3.2: Trip Generation Adjustment Factors

	Land Use	Size Units	Percentage reduction for developments in areas with: Mixed-use Development	Low vehicle Ownership	Very Low Ownership	Transit nodes or Corridors
100	**Industrial**					
110	Service Industry	100 sqm GLA	5%	20%	30%	15%
120	Heavy industry/manufacturing	100 sqm GLA	5%	20%	30%	15%
121	Mining	1 Employees	5%	20%	30%	15%
130	Industrial Area (Park)	100 sqm GLA	5%	20%	30%	15%
140	Manufacturing	100 sqm GLA	5%	20%	30%	15%
150	Warehousing and Distribution	100 sqm GLA	5%	20%	30%	15%

Access:

The carriageway crossing is located on Eighth Avenue.

Parking and Congestion:

The parking requirement is 1,5 bays per 100 m^2 GLA for facilities up to 3000m^2 GLA.

The GLA is 755m^2, therefore the required parking is 12 bays. The subject property has adequate parking space (more than 23 parking bays).

Loading: The requirement for the proposed scale is 1 loading bay. The subject property has adequate space for loading (2 bays), according to the provisions set out by the MPBL.

Public Transport

The subject property is located in a *standard area*. There are multiple modes of public transport available in close proximity. The following modes of transport which are accessible to the site are listed below:

- Strandfontein Road (via minibus taxi and bus), (±1.5km from the site).
- Minibus Taxi Rank, found along 5th Avenue (±1.8km from the site)

(j) Imposition of Mitigating Conditions – (3)(j)

The relevant departments will impose the normal conditions of approval. It is further recommended that the following conditions be imposed to mitigate the any potential impacts:

- The land use be restricted to the processing of raw materials for the production of raw pet feed/animal feed only, and associated processes which include storage, distribution, and administration of the business. Any future use of the property will require a rezoning, and not an amendment of conditions application. This condition shall be imposed to ensure that no other uses within the Industrial zone be exercised on the property without appropriate assessment and consideration.

- A landscape plan be submitted to the satisfaction of the Environmental department, the Spatial Planning department, and the Urban Design department, in order to reduce the impact on the street edge facing onto the PHA/Urban Edge.
- Site Development Plans be submitted to show the enhancement of the building façade and design of on-site structures to enhance the built environment.

For the above discussed, the application complies with section 99 (3) of the By-Law

3.4 Compelling reasons to Approve the Proposed Rezoning and Proposed Land Use:

- The report provides a positive evaluation in terms of Section 99 of MPBL, and it is considered that the proposal is desirable and will not result in any negative impacts to the immediately surrounding property owners and the broader surrounding community.
- The proposed rezoning will have a positive social and economic impact by the continuing the existing business that supports the local community, and will allow for the improvement of the current building and operations as per the mitigation measures.
- The proposal is consistent with Municipal Spatial Development Framework (2023).
- In terms of a site-specific analysis, the proposal shall be considered aligned with the District Plan as the existing approved buildings and use thereof is a right of the landowner.
- The proposal has been supported by the City Environmental Department and the City Heritage Department, both of which are supporting departments for the PHA. Therefore, it is clear that there is no expected impact on the PHA.
- The existing buildings on the property have been approved for the processing of fruit, vegetables and animals. The proposal is therefore largely consistent with the existing approval, with the structures in the building lines to be removed.
- As the facility is existing and currently in operation, it supports the local economy by providing employment and supports local businesses.
- Although the existing buildings (barns) have been approved, sensible mitigation measures have been proposed to reduce any visual and operational impacts on the surrounding area.
- It is not expected that the proposal will result in an impact the surrounding area in terms of traffic generation.
- Any proposed further development on the property will still be controlled by the development parameters of the Development Management Scheme.

4 CONCLUDING REMARKS AND REASONS FOR APPROVAL

The proposed rezoning represents the most rational and balanced planning outcome available. It does not introduce a new industrial activity into the area, but formalises and regulates an existing processing use that has its origins in the City's own 2013 building plan approval.

The approval of the existing processing buildings, the 2017 subdivision, the subsequent municipal infrastructure approvals, the administrative penalty process, and the current owner's investment in the property collectively demonstrate that the processing use has been recognised and relied upon over time. The rezoning now provides the appropriate mechanism to align the zoning with the established functional use of the site.

Refusing the application would create an unsustainable planning outcome. It would leave approved processing buildings and an established operation without a practical regulatory pathway, while offering no meaningful improvement to the surrounding area. Approval, by contrast, allows the City to impose clear conditions limiting the use to raw pet food and animal feed production, requiring landscaping, improving the site interface, and ensuring that any future change in use is subject to a further land use application.

For these reasons, the proposed rezoning is desirable, proportionate, consistent with proper land use management, and submitted to Council for favourable consideration.

____

For **URBAN SOLUTION**
Contact:

REV 3: 9 June 2026

NEIL SPENCER & ASSOCIATES - Professional Land Surveyors : Cape Town (Ref : 308)

MAIN FIGURE CO-ORDINATES

System Lo 19°

Constants	+0, 00	+3700000, 00
	Y Metres	X
A	+ 43191, 33	+ 68127, 42
B	+ 42955, 28	+ 68086, 75
C	+ 42908, 97	+ 68353, 60
D	+ 42881, 26	+ 68513, 69
E	+ 43117, 35	+ 68554, 35
F	+ 43134, 51	+ 68455, 37
G	+ 43193, 63	+ 68465, 62
H	+ 43206, 51	+ 68391, 34
J	+ 43147, 39	+ 68381, 09
K	+ 43163, 61	+ 68287, 55
L	+ 43164, 83	+ 68287, 76
M	+ 43176, 71	+ 68219, 66
N	+ 43229, 87	+ 68228, 75
P	+ 43233, 67	+ 68234, 21
Q	+ 43237, 54	+ 68212, 24
R	+ 43231, 75	+ 68216, 31
S	+ 43177, 56	+ 68206, 93

BLOCK CORNER CO-ORDINATES

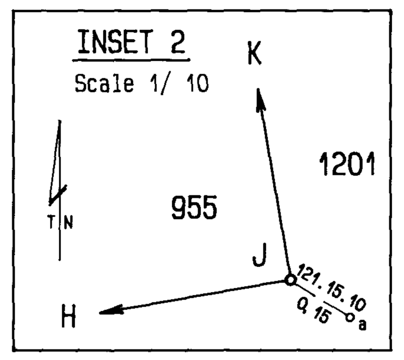
A1	+ 42946, 41	+ 68167, 10
A2	+ 42942, 34	+ 68161, 33
B1	+ 42944, 24	+ 68179, 61
B2	+ 42938, 46	+ 68183, 68

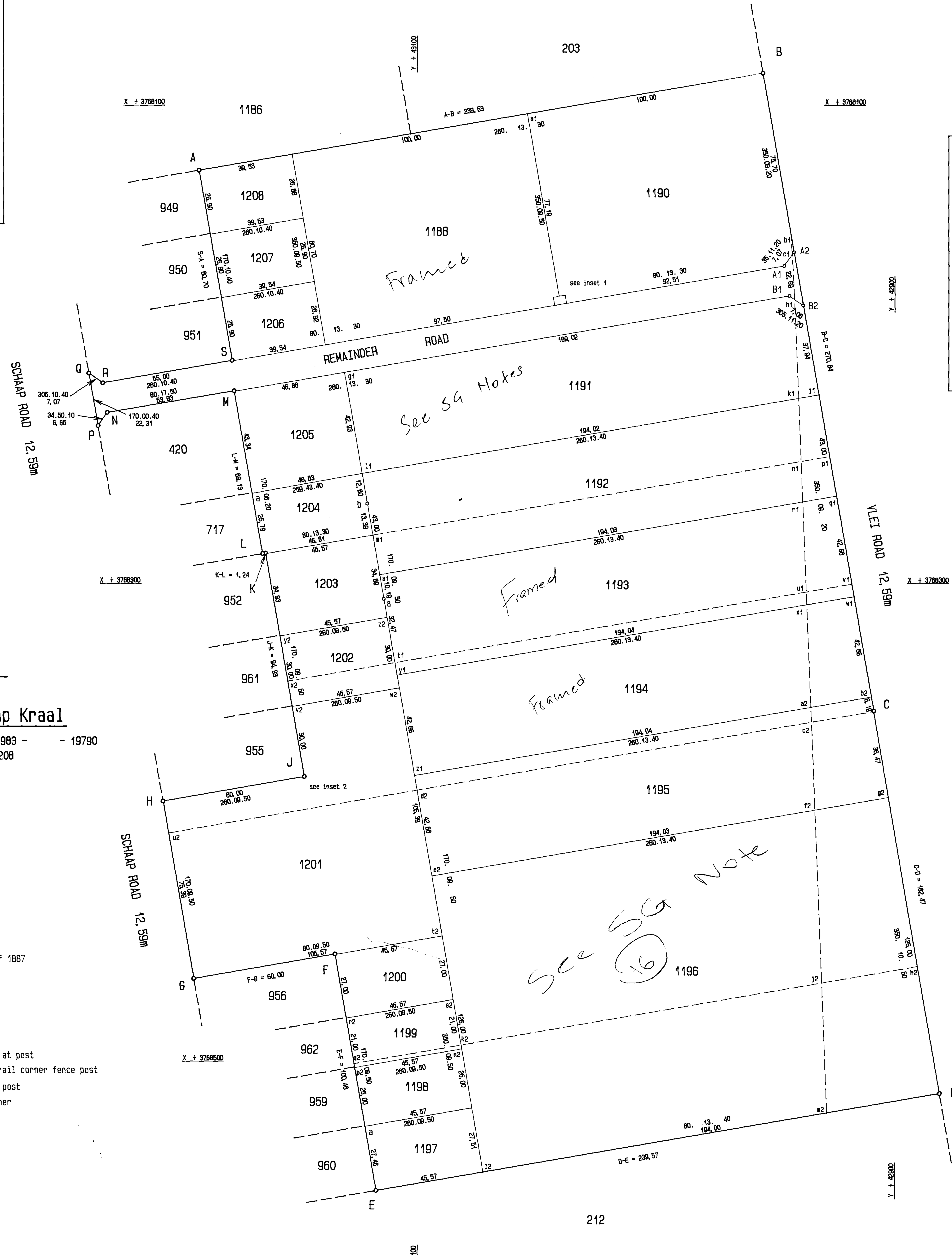
TOWN SURVEY MARKS

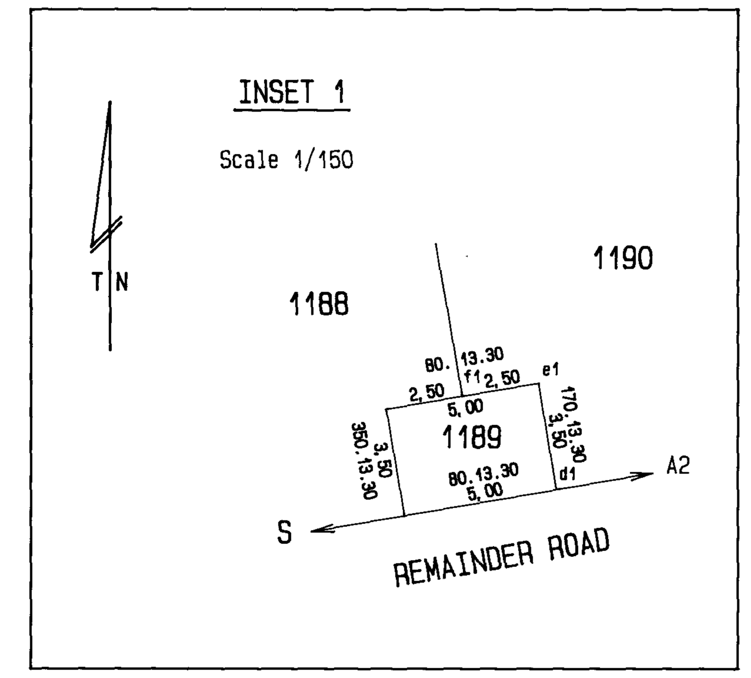
17A5 ⊕	+ 43567, 37	+ 68440, 51
3S24 ⊕	+ 42845, 88	+ 68683, 20

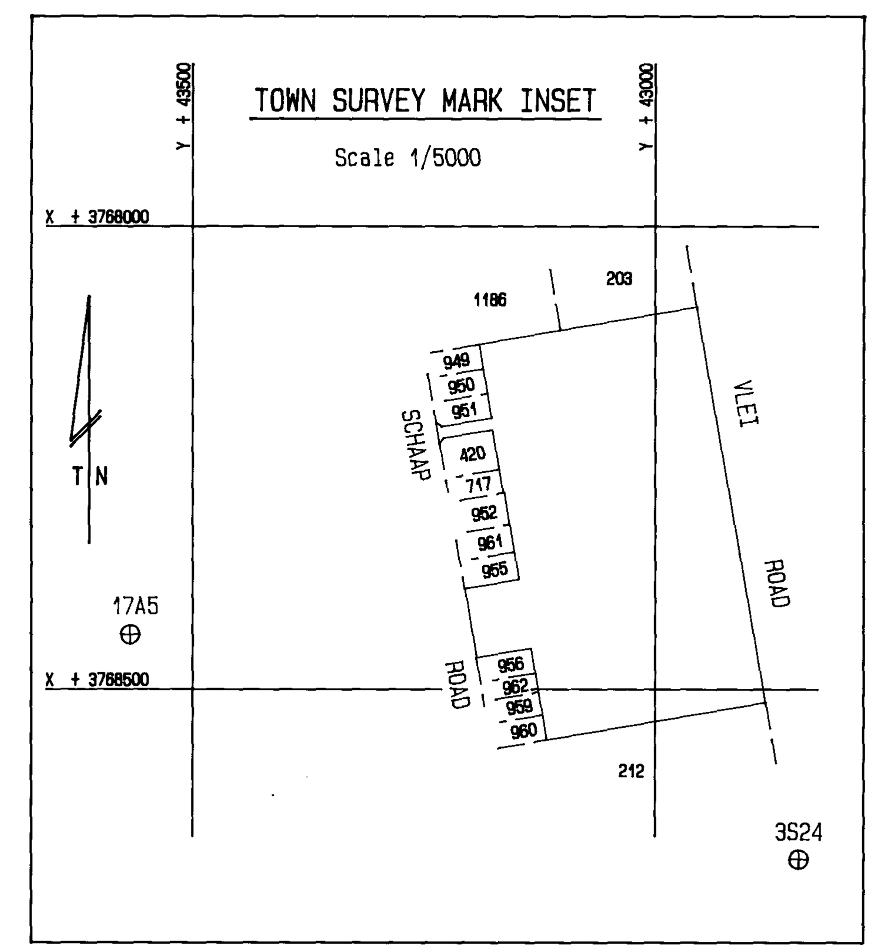
AREAS

Erf Number	Square Metres
1188	8061
1189	18
1190	8048
1191	8318
1192	8344
1193	8277
1194	8278
1195	8278
1196	2, 4446 Ha
1197	1252
1198	1139
1199	957
1200	1230
1201	9326
1202	1367
1203	1591
1204	1217
1205	2021
1206	1064
1207	1063
1208	1063









4246/1998

(SCHAAP KRAAL ALLOTMENT AREA)

GENERAL PLAN No. 4246/1998

of

Subdivisions of Erf 963 Schaap Kraal

vide S.G. Diagram No. 1858/82 annexed to No. 1983 - - 19790
and comprising 21 erven numbered 1188 - 1208
and the Street

Situate in the City of Cape Town
Administrative District of the Cape
Province of Western Cape

SCALE 1 : 750

Note:
The figure 1190b1 C D 1196m2 is claimed under Act 15 of 1887
the Remainder is freehold

Beacon Descriptions

B .... Iron standard
1204a....................... 12mm iron peg in concrete at post
C........................... 12mm iron peg at leaning rail corner fence post
F, 1197a, 1198p2, 1199r2 ... 12mm iron peg at concrete post
1201a....................... 12mm iron peg at wall corner
A, E, J, L, 1192m1,
1193s1, 1202y2 .... Not beaconed
All other beacons........... 12mm iron peg

Note:
1193a & 1204b are indicatory beacons

Surveyed in June 1998
by me,
N W D Spencer
PLS 0855 N. W. D. Spencer
Professional Land Surveyor

S.G. No. 4246/1998

Approved
[signature]
for Surveyor-General : Cape Town
Date : 1998-08-18

CDR

APPROVED IN TERMS OF SECTION 25 OF
ORDINANCE 15/1985
Reference : SE 15585 Date : 1998-05-11

ENDORSEMENTS					
No.	Amendment	Addition	Authority	Intd.	Date

SURVEYOR-GENERAL'S OFFICE NOTES

1) Erf 1197 consolidated Vide Erf 1219 - Dgm. 4245/1998
2) Erf 1198 consolidated Vide Erf 1218 - Dgm. 4244/1998
3) Erf 1199 consolidated Vide Erf 1217 - Dgm. 4243/1998
4) Erf 1200 consolidated Vide Erf 1216 - Dgm. 4242/1998
5) Erf 1202 consolidated Vide Erf 1215 - Dgm . 4241/1998
6) Erf 1203 consolidated Vide Erf 1214 - Dgm. 4240/1998
7) Erf 1204 consolidated Vide Erf 1213 - Dgm. 4239/1998
8) Erf 1205 consolidated Vide Erf 1212 - Dgm. 4238/1998
9) Erf 1206 consolidated Vide Erf 1211 - Dgm 4237/1998
10) Erf 1207 consolidated Vide Erf 1210 - Dgm. 4236/1998
11) Erf 1208 consolidated Vide Erf 1209 - Dgm. 4235/1998
12) Erf 1191 framed vide Dgm-444/2018
13) Erf 1194 framed vide Dgm 2611/2018
14) Erf 1193 framed vide dgm 1714/2019
15) Erf 1188 framed vide Dgm 875/2021
16) Erf 1196 Framed vide Dummy Dgm No. 1921/2021.

ORIGINAL PLAN
Sign: [signature]
Date: 1998-07-17
for SURVEYOR GENERAL

S.G. File Ref. S/14446
Survey Record No. E 1821/1998
Compilation : AHNC-2363 (M1792)
AHNC-2382 (M1797)
AHNC-2391 (M1798)

Date Received in S.G.O. : 1998-07-06
Date Returned to Land Surveyor :
Date re-submitted to S.G.O. :

S
C

GENERAL PLAN 4246/1998

OFFICE COPY

S.G. No.

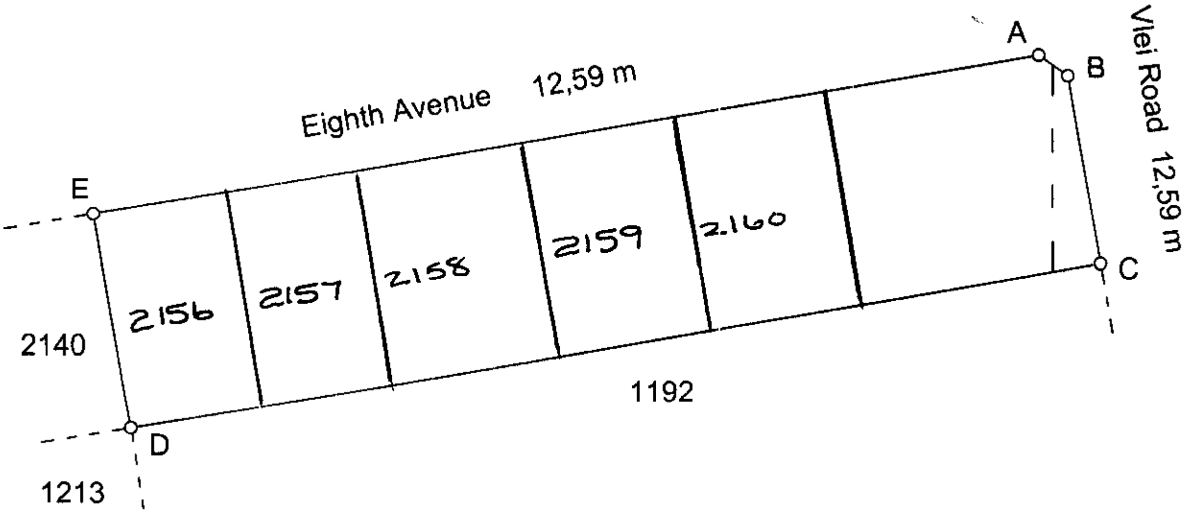
444/2018

Approved

for
Surveyor General

01-03-2018

Scale 1 : 1500



represents 8318 square metres of land being
Erf 1191 Schaap Kraal
Situate in the City of Cape Town

Administrative District of Cape
Province of the Western Cape
Framed in terms of Section 16 of Act 8 of
1997 in February 2018 by me,

K.MUSUNGU PLS 1202
Professional Land Surveyor

This diagram is annexed to		
No. d.d. i.f.o. Registrar of Deeds		File No. S/14446 S.R. No. Framed LPI C0160050 Comp. AHNC-2382 (M1797) AHNC-2391 (M1798) Gen. Plan No. 4246/1998

FOR ENDORSMENTS SEE BACK OF DIAGRAM

Erf 1191 Schaap Kraal

444/2018

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA	TRANSFER NO.	INITIALED	REMDR.
157/2018	292/2018	Erf 2156	1129 Sqm	T35461/2019	[illegible]	
" "	293/2018	Erf 2157	1129 Sqm	T35461/2019	[illegible]	
" "	294/2018	Erf 2158	1425m²	47004 / 18	D.C	
" "	295/2018	Erf 2159	1300 Sqm	T35461/2019	[illegible]	
" "	296/2018	Erf 2160	1300m²	47005 / 18	D.C	2035m²